Ⓜ MOTOROLA

Intellectual Property Section
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DATE: June 19, 2006

TO: EXAMINER HOANG, T.   571-272-3184
      (ADDRESSEE'S NAME)   (EXTENSION)
      ART UNIT 2668   571-273-8300
      (LOCATION)   (FAX NUMBER)

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RE: APPLICATION NO. 10/747,792

TOTAL NUMBER OF PAGE(S) *19* (INCLUDING THIS PAGE)

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 571-273-8300) on the date indicated below.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5   APPLICANT: AERRABOTU, N.   EXAMINER: Hoang

SERIAL NO.: 10/747,792   GROUP: 2668

FILED: December 29, 2003   CASE NO.: CS23057RL

10   ENTITLED: APPARATUS AND METHOD FOR CONTROLLING CONNECTION
                  STATUS

15
                                          Motorola, Inc.
                                          Intellectual Property Department
                                          600 North U.S. Highway 45
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20
                  APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
25   Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:
30
        Further to the Notice of Appeal filed on February 21, 2006, Applicant submits the
present Appeal Brief.

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I.   REAL PARTY IN INTEREST

The real party in interest is, Motorola, Inc.

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II.   RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

10   III.   STATUS OF CLAIMS

Claims 1-36 are pending. Claims 1-7, 9-24, and 26-36 are rejected and are the subject
of the present appeal.

15   IV.   STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

20

The inventions are drawn generally to a method and apparatus for controlling
connection status using a flash with information message (page 1, lines 5-7). A connection is
established (520, page 8, lines 11 and 12) with a first party (140). A flash with information
message (400, page 7, line 1 - page 8, line 8) is transmitted (540, page 8, lines 11-17) on a
25   reverse link signaling channel, the flash with information message including a connection
control information record (410) that controls a connection status of the connected first party.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

30   Whether claims 1-7, 9-24, and 26-36 are allowable over Vainio et al. (U.S. Patent No.
6,577,721) under 35 U.S.C. § 102.

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VII. ARGUMENT

Claim Limitations At Issue

5   In Claim 1, the limitations at issue are italicized below:

1.   A method in a code division multiple access wireless communication device,
comprising:
            establishing a connection with a first party; and
10   *transmitting a flash with information message on a reverse link signaling
channel*, the flash with information message including a connection control information
record that controls a connection status of the connected first party.

           In Claim 13, the limitations at issue are italicized below:

15

13.   A method in a code division multiple access system, comprising:
            establishing a connection between a wireless communication device and a first
party; and
            *transmitting a flash with information message on a forward link signaling
20   channel*, the flash with information message including a connection control information
record that indicates the connection status of the first party.

           In Claim 18, the limitations at issue are italicized below:

25   18.   A wireless communication device for code division multiple access wireless
communication, the wireless communication device comprising:
            a transceiver;
            a controller coupled to the transceiver, the controller configured to establish a
connection with a first party via the transceiver; and
30   a connection status control module including
                  a party identifier storage module configured to store a party identifier
associated with the first party; and

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a flash with information message generation module configured to generate a flash with information message including a connection control information record that controls a connection status of the connected first party,

wherein the controller is further configured to transmit flash with information

5   message on a reverse link signaling channel via the transceiver.

In Claim 30, the limitations at issue are italicized below:

30.   An apparatus for code division multiple access communication, the apparatus

10   comprising:

a controller configured to establish a connection between a wireless communication device and a first party; and

a network connection status control module coupled to the controller, the network connection status control module including

15   a party identifier storage, the party identifier storage including a unique value assigned to the first party, and

a flash with information generation module configured to generate a *flash with information message* for transmission on a forward link signaling channel, the flash with information message including a connection control information record that indicates the

20   connection status of the first party.

In Claim 35, the limitations at issue are italicized below:

35.   A method in a communication device, comprising:

25   establishing a connection with another communication device;

transmitting a flash with information message on a reverse traffic channel, the flash with information message including

a record type field indicating a party connection control record type,

a connection reference field that includes a identifier that identifies the

30   another communication device, and

a connection control information field that indicates a desired connection status of the another communication device; and

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displaying a connection status of the another communication device.

Examiner's Allegation

5   The Office Action rejected, under 35 U.S.C. § 102, of claims 1-7, 9-24, and 26-36 over
Vainio et al. (U.S. Patent No. 6,577,721).

Applicants' Argument

10   Applicants assert Vainio does not disclose transmitting a flash with information
message including a connection control information record that controls a connection status of
a connected first party, as recited in independent claim 1, and similarly recited in independent
claims 13, 18, 30, and 35.
           "A claim is anticipated only if each and every element as set forth in the claim is
15   found, either expressly or inherently described, in a single prior art reference" (MPEP §2131,
citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir.
1987)).
           Vainio has absolutely no disclosure of a flash with information message and the
original Office Action did not indicate a section of Vainio that includes this feature.
20   In fact, the only disclosure in Vainio of the transmission of any message at all is that of
a "set-up message" at col. 4, lines 35-36, which discloses "The radio telephone then transmits
to the network a set-up message which contains the called parties telephone number. The
network routes the call to the desired telephone and assigns a traffic channel for the exchange
of user data. If the called telephone is not busy the network alerts the calling radio telephone,
25   typically by the user hearing a ringing tone. The connection is established when the called
telephone is brought off the hook." However, this is not the disclosure of a flash with
information message.
           In fact, this is the opposite of a disclosure of flash with information message that
includes a connection control information record that controls a connection status of a
30   connected first party. In particular, Vainio only discloses "the connection is established" at
col, 4, lines 41-42 after the set-up message is transmitted at col. 4, lines 35-37. Thus, the set-
up message cannot be used in reference to a connected first party. More particularly, the set-

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up message is transmitted <u>before</u> a connection is established. Therefore, the first party is not connected when the set-up message is transmitted. Accordingly, the set-up message cannot contain a connection control information record that controls a connection status of a <u>connected</u> first party.

5   Therefore, not only does Vainio have no disclosure of a flash with information message, but the only disclosure in Vainio of the transmission of any message at all cannot be a flash with information message that includes a connection control information record that controls a connection status of a connected first party.

          Thus, Vainio does not disclose transmitting a flash with information message

10   including a connection control information record that controls a connection status of the connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

          In the "Response to Arguments" section, the final Office Action selected an isolated section from Applicants' specification in an attempt to equate what is disclosed in Vainio et al.

15   with a flash with information message. Unfortunately, this does not change the fact that Vainio et al. does not disclose a flash with information message. For example, the Office Action appears to be attempting to establish that actions performed in the Vainio et al. reference perform similar functions to a flash with information message. Regardless of whether that allegation is not true, the allegation in the Office Action appears to admit Vainio

20   et al. does not disclose each and every element as set forth in the claim because the allegation only attempts to establish functional equivalence without actually providing the claimed element. Thus, Vainio et al. does not disclose a flash with information message.

          Furthermore, Applicants assert the Office Action is improperly selected an isolated section of Applicants' application to define a claim term without establishing why the selected

25   section provides a proper definition of the term.

          Additionally, Applicants assert the cited sections in Vainio et al. do not even disclose what is selected from Applicants' specification, aside from whether or not the selected section is not a proper definition of the term. In particular, col. 3, lines 41-43 of Vainio et al. only disclose, "the calling party, via the radiotelephone, requests the telecommunication network to

30   put this call on hold." This is not the disclosure of a flash with information message including a connection control information record. Furthermore, col. 4, lines 55-60 only disclose, "the control means 11 instructs the telecommunications network 18 to place this call on hold. This process is controlled by the control means 11 without any need for manual intervention."

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Again, this is not the disclosure of a flash with information message including a connection control information record.

Thus, Vainio et al. does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of a
5   connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

Applicants would like to emphasize that there is no evidence of record that discloses a flash with information message as understood in the telecommunications art. The Office Action only makes attempts to establish a functional equivalence between the cited art and
10   isolated sections of Applicants' disclosure. However, this does not make up for the fact that Vainio et al. does not disclose each and every element of the claims. In particular, Vainio et al. does not disclose a "flash with information message."

Therefore, Applicants respectfully submit that independent claims 1, 13, 18, 30, and 35 define patentable subject matter. The remaining claims depend from the independent claims
15   and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102.

Kindly reverse and vacate the rejection of claims 1-7, 9-24, and 26-36 under 35 U.S.C. § 102, with instructions for the Examiner to allow claims 1-36.

20   CONCLUSION

In view of the discussion above, the claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

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The Commissioner is hereby authorized to deduct the fees for filing a brief in support
of an appeal and any fees arising as a result of this Appeal Brief or any other communication
from or to credit any overpayments to Deposit Account No. 50-2117.

5

Respectfully submitted,

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10

Dated: June 19, 2006

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VIII.   CLAIMS APPENDIX

Claims involved in the appeal:

5   1.   A method in a code division multiple access wireless communication device,

comprising:

establishing a connection with a first party; and

transmitting a flash with information message on a reverse link signaling

channel, the flash with information message including a connection control information record

10   that controls a connection status of the connected first party.

2.   The method according to claim 1, wherein the connection control information

record comprises a multi-party connection control information record.

15   3.   The method according to claim 1, wherein the connection status includes one

of a party audio mute status, a party hold status, a party active status, and a party disconnect

status.

4.   The method according to claim 1, wherein the connection control information

20   record includes a connection reference field having a unique identifier assigned to the first

party.

5.   The method according to claim 1, wherein the flash with information message

includes

25   a connection reference field having a unique value assigned to the first party,

and

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a connection status field that indicates a desire to activate the connection status

of the first party.

6.   The method according to claim 1, further comprising establishing a connection

5   with a second party while maintaining the connection with the first party.

7.   The method according to claim 6, wherein transmitting the flash with

information message further comprises transmitting the flash with information message on the

reverse link signaling channel to place the second party on hold while activating a status of the

10   first party.

8.   The method according to claim 7, wherein the flash with information message

includes

a number of multi-party connection records field indicating the number of pairs

15   of connection reference and connection status fields included in the flash with information

message,

a first connection reference field having a first unique value assigned to the

first party,

a first connection status field associated with the first connection reference

20   field, the first connection status field indicating a desire to activate the connection status of the

first party,

a second connection reference field having a second unique value assigned to

the second party, and

11

a second connection status field associated with the second connection

reference field, the second connection status field indicating a desire to place the second party

into a hold status.

5   9.   The method according to claim 6, wherein transmitting the flash with

information message further comprises transmitting the flash with information message on a

reverse link signaling channel to activate a status of the first party while maintaining an active

status of the second party.

10   10.   The method according to claim 1, wherein the reverse link signaling channel

comprises a reverse dedicated signaling channel.

11.   The method according to claim 1, wherein the reverse dedicated signaling

channel comprises a communication path that exists between a specific mobile station and a

15   base station for the exchange of control information from the specific mobile station to the

base station.

12.   (previously presented) The method according to claim 1, wherein the flash with

information message comprises an extended flash with information message.

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13.   A method in a code division multiple access system, comprising:

establishing a connection between a wireless communication device and a first

party; and

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transmitting a flash with information message on a forward link signaling

channel, the flash with information message including a connection control information record

that indicates the connection status of the first party.

5   14.   The method according to claim 13, wherein the connection control information

record includes a connection reference field having a unique value assigned to the first party

and a connection status field indicating the connection status of the first party.

        15.   The method according to claim 13, wherein the connection status includes one

10   of a party audio mute status, a party hold status, a party active status, and a party disconnect

status.

        16.   The method according to claim 13, further comprising assigning the unique

value assigned to the first party.

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        17.   The method according to claim 13, further comprising:

        recognizing a request for a connection with a second party while continuing the

connection between the wireless communication device and first party; and

        assigning a unique connection reference value to the second party.

20

        18.   A wireless communication device for code division multiple access wireless

communication, the wireless communication device comprising:

        a transceiver;

        a controller coupled to the transceiver, the controller configured to establish a

25   connection with a first party via the transceiver; and

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a connection status control module including

a party identifier storage module configured to store a party identifier

associated with the first party; and

a flash with information message generation module configured to

5   generate a flash with information message including a connection control information record

that controls a connection status of the connected first party,

wherein the controller is further configured to transmit flash with information

message on a reverse link signaling channel via the transceiver.

10   19.   The wireless communication device according to claim 18, wherein the

connection control information record comprises a multi-party connection control information

record.

20.   The wireless communication device according to claim 18, wherein the

15   connection status includes one of a party audio mute status, a party hold status, a party active

status, and a party disconnect status.

21.   The wireless communication device according to claim 18, wherein the

connection control information record includes a connection reference field having a unique

20   identifier assigned to the first party.

22.   The wireless communication device according to claim 18, wherein the flash

with information message includes

a connection reference field having a unique value assigned to the first party,

25   and

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a connection status field that indicates a desire to activate the connection status

of the first party.

    23.   The wireless communication device according to claim 18, wherein the

5   controller is further configured to establish a connection with a second party via the

transceiver while maintaining the connection with the first party.

    24.   The method according to claim 23, wherein transmitting the flash with

information message further comprises transmitting the flash with information message on the

10   reverse link signaling channel to place the second party on hold while activating a status of the

first party.

    25.   The wireless communication device according to claim 24, wherein the flash

with information message includes

15   a number of multi-party connection records field indicating the number of pairs

of connection reference and connection status fields included in the flash with information

message,

         a first connection reference field having a first unique value assigned to the

first party,

20   a first connection status field associated with the first connection reference

field, the first connection status field indicating a desire to activate the connection status of the

first party,

         a second connection reference field having a second unique value assigned to

the second party, and

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a second connection status field associated with the second connection

reference field, the second connection status field indicating a desire to place the second party

into a hold status.

5   26.   The wireless communication device according to claim 23, wherein the

controller is further configured to transmit the flash with information message by transmitting

the flash with information message on a reverse link signaling channel to activate a status of

the first party while maintaining an active status of the second party.

10   27.   The wireless communication device according to claim 18, wherein the reverse

link signaling channel comprises a reverse dedicated signaling channel.

28.   The wireless communication device according to claim 18, wherein the reverse

dedicated signaling channel comprises a communication path that exists between a specific

15   communication device and a base station for the exchange of control information from the

specific communication device to the base station.

29.   (previously presented) The wireless communication device according to claim

18, wherein the flash with information message comprises extended flash with information

20   message.

30.   An apparatus for code division multiple access communication, the apparatus

comprising:

a controller configured to establish a connection between a wireless

25   communication device and a first party; and

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a network connection status control module coupled to the controller, the

network connection status control module including

a party identifier storage, the party identifier storage including a unique

value assigned to the first party, and

5   a flash with information generation module configured to generate a

flash with information message for transmission on a forward link signaling channel, the flash

with information message including a connection control information record that indicates the

connection status of the first party.

10   31.   The apparatus according to claim 30, wherein the connection control

information record includes a connection reference field including the unique value assigned

to the first party and a connection status field indicating the connection status of the first party.

          32.   The apparatus according to claim 30, wherein the connection status includes

15   one of a party audio mute status, a party hold status, a party active status, and a party

disconnect status.

          33.   The apparatus according to claim 30, wherein the network connection status

control module is further configure to assign the unique value assigned to the first party.

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          34.   The apparatus according to claim 30,

          wherein the controller is further configured to recognize a request for a

connection with a second party while continuing the connection between the wireless

communication device and first party; and

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wherein the network connection status control module is further configured to

assign a unique connection reference value to the second party.

35.   A method in a communication device, comprising:

5   establishing a connection with another communication device;

transmitting a flash with information message on a reverse traffic channel, the

flash with information message including

a record type field indicating a party connection control record type,

a connection reference field that includes a identifier that identifies the

10   another communication device, and

a connection control information field that indicates a desired

connection status of the another communication device; and

displaying a connection status of the another communication device.

15   36.   The method according to claim 35, further comprising:

establishing a connection with a third communication device while maintaining

a connection with the another communication device; and

displaying the connection status of the third communication device.

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